



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	Application Number	09/373,786
	Filing Date	August 13, 1999
	First Named Inventor	James P. LEISTENSNIER
	Group Art Unit	2164
	Examiner Name	Jeffrey C. Pwu
	Attorney Docket Number	2449-103
Title of the Invention: METHOD AND SYSTEM FOR CREATING A PORTFOLIO OF STOCK EQUITIES BASED ON MARKET CAPITALIZATION AND SALES		

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RESPONSE AFTER FINAL UNDER 37 CFR § 1.116 RECEIVED

Assistant Commissioner for Patents
Washington, D.C. 20231

MAY 03 2002
Technology Center 2100

Dear Sir:

In response to the final Office action mailed January 29, 2002, the following remarks are respectfully submitted.

REMARKS

Claims 1-9 remaining pending in this application. Further reconsideration is requested.

The continued rejection of claims 1, 4 and 7 under 35 U.S.C. § 102(e) as being anticipated by O'Shaughnessy, U.S. Patent No. 5,978,778, the rejection of claims 2, 5 and 8 under 35 U.S.C. § 103 as being unpatentable over O'Shaughnessy, and the rejection of claims 3, 6 and 9 under § 103 as being unpatentable over O'Shaughnessy in view of Bloom et al., U.S. Patent No. 6,061,663, are respectfully traversed.

As previously explained, the present invention as claimed is directed to a method and apparatus for creating a portfolio of equity stocks, based on market capitalization and sales, from a predetermined broad based stock index, such as the NASDAQ-100 index. First, the composition of the index is determined by accessing a database. Next, data pertaining to market capitalization and sales of the stocks in the index list are retrieved. The stocks are sorted by market capitalization, and the market capitalization of the twentieth stock is selected as a cut-off value below which stocks will be rejected for inclusion in the portfolio. The stocks in the index list are then sorted by sales, and